

6. state registration of real burden is obligatory;

A special feature of different types of real burdens is their dual legal nature (dualistic nature of real burden), because while limiting the authority of the owner of burdened land plot they simultaneously create rights of third parties concerning burdened land plot.

Having analyzed and summarized the above mentioned, we can conclude that the Ukrainian legislator did the right thing having provided the institution of real burden into the legislation. The real burden is the charging (narrowing) of the owner's rights (or the user's rights), that can be established by law, administrative act, contract or court's decision in favour of third parties to use the land.

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## CRIMINAL LIABILITY FOR THE VIOLENT DONATION

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With development of Ukraine as the independent legal state there is a revision of the system of values that existed before. Person's life, health, honour, dignity, integrity and security are the highest values in Ukrainian society; it is envisaged at constitutional level. Therefore criminal protection of life and health gains special significance.

There is a necessity of modern medicine in donor blood because of rapid medicine development, appearance of new treatment methods, including the use of person's blood, its components. Blood donation is always associated with the violation of bodily integrity donor and the risk of harm to his health and the spread of

infectious diseases. On June 23, 1995 the Law of Ukraine "On Donation of Blood and Blood Components" was adopted which regulated the procedure for extracting, processing, storage and use of blood, its components and preparations to prevent abuse in this field, the protection of life and health of donors and people who need this kind of medical care [1].

Law of Ukraine " On Donation of Blood and Blood Components " defines the responsibility of persons guilty in violating the donors rights, order of taking, processing, storage, realization and application of donated blood components and preparations, order of monitoring the safety and quality of blood and its components , preserving agents and appropriate solutions, the exchange of donor blood and its components and drugs and export them outside Ukraine, order of medical examination before the donation of blood and (or) its components by law disciplinary, administrative, civil or criminal liability [1].

Donation is a matter of dignity and honour, a manifestation of humanism.

Donation of blood and its components is the voluntary act of the person's will. It means that a capable natural person of age shall have the right to be the donor of blood, its components, as well as organs, other anatomic materials and reproductive cells. Donation of blood and its components, organs and other anatomic materials, reproductive sells shall be conducted under the law [2].

Taking blood and /or its components from the donor should be made only on condition that the health of the donor has not suffered.

Violent donation is a criminal offence and is punished under Art. 144 of the Ukrainian Criminal Code

If we need to understand the composition of the crime, we must describe each of its components. The doctrine of the object of the crime is one of the central problems in the science of criminal law and its research has an important value for establishment of character and degree of public unconcern of criminal trespass, its faithful qualification, dissociation from other syllables of crimes. The object of crime determines essence of act, character crime method, its other objective and subjective features.

The object of the crime is not any public relations, but only those who are under the protection of the law on criminal responsibility. The general object of the crime is not a permanent system of joint relations, it depends on the law on criminal liability (for example, due to the criminalization or decriminalization of socially dangerous acts, the whole system of social relations changes and it creates a common object of criminal protection) [6].

Considering of crime object of the violent donation, O.V. Sapronov considers that theory of crime as an object of social relations which is developed by the science of criminal law, in the current situation remains the most convincing. As a lineal object of violent donation, the scientist considers social relations that provide an inherent benefit of man, exactly his health. However, the basic obligatory direct object of violent donation is such type of corporal inviolability of person, as his/her corporal integrity and public relations that provide free realization of the donation of blood right come forward as an additional obligatory direct object [3, c. 9].

Actus reus is the outer side (the outward expression) of crime, characterized by socially dangerous act (action or omission) and socially dangerous consequences, causal link between the act and a socially dangerous consequences, place, time, situation, method, and the means of committing a crime. Actus reus becomes apparent in act, extracting blood from a living person. M.I Havronyuk deems that the term "violence" in relation to blood donation should be considered as causing the wrongful acts to the victim (beating, easy bodily harm, fastening and other similar actions) [4, c. 338].

An offender of this crime is general. As a rule, offenders can be the medical workers of the specialized establishments and establishments of blood, establishments of health protection transfusion [5, c. 345].

Mens rea is the internal aspect of the crime, that individual mental activity, reflecting the attitude of mind and will to a socially dangerous act, which is committed, and to its consequences. The subjective side of the offence can be described by certain legal characteristics. There is guilt, motive and purpose of the crime. [7]. Mens rea is characterized by direct intention and specific purpose. Specific purpose means that crime offender uses withdrawn blood for treating other people, receiving blood components or manufacturing of drugs [5, c. 345].

Statistics of offences, posted on the website of the Prosecutor General of Ukraine, states that the criminal offences under Art. 144 of the Criminal Code of Ukraine, have a very small percentage compared to other criminal offences. We can see the absence of criminal proceedings under Art. 144 of the Criminal Code of Ukraine.

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